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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,239	12/11/2001	Amr F. Yassin	US010504	3135

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER

BOVEJA, NAMRATA

ART UNIT PAPER NUMBER

3622

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/014,239

Applicant(s)

YASSIN ET AL.

Examiner

Namrata Boveja

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 12/11/01.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 1-18 are presented for examination.

#### **Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-8, 10-15, 17, and 18 are rejected under 102(e) as being anticipated by Robinson Publication Number US 2001/0054001 A1 (hereinafter Robinson).

In reference to claims 1, 11, and 18, Robinson teaches a method and system of presenting a commercial in a time slot to a viewer, the system and method comprising the steps of: providing one or more commercials to a receiver operatively coupled with a display device (page 8 paragraph 124), each commercial having an agent associated therewith (page 1 paragraph 9), the agent for each commercial configured to place a bid for the time slot on behalf of the associated commercial (page 1 paragraph 16), the bid including a reward component to be granted to the viewer if the associated commercial is selected (i.e. a user gets a reward for sharing information when an advertiser decides to show a user a commercial based on how relevant the user is to the advertiser)

Art Unit: 3622

(page 5 paragraphs 77-79); a profile database to store data related to local viewer preferences, including demographic information and viewing habit information, and allowing the agent for at least one commercial to access the local viewer preference related data in the profile database, the agent using the accessed local viewer preference related data to determine the bid to be placed for the time slot (page 1 paragraphs 5, 6, and 10 and page 6 paragraphs 89-91, and 94); and a processor capable of: auctioning the time slot to the one or more commercials provided to the receiver (page 1 paragraph 11 and page 3 paragraph 42); selecting the commercial having the agent which placed a winning bid and displaying the selected commercial on the display device during the time slot (page 3 paragraph 43); and storing information related to the commercial having the agent, which placed the winning bid in a vault (i.e. vault can refer to the receiver or user computer and it can refer to a remote server or servers where information can be stored in the arbitration module about the auctions) (page 2 paragraph 30, page 4 paragraphs 58 and 59 and page 6 paragraphs 92, 93, and 100).

3. In reference to claims 2 and 12, Robinson teaches the method and system further comprising the step of: rewarding the viewer with the reward component of the winning bid (page 5 paragraphs 77-79).

4. In reference to claims 3 and 13, Robinson teaches the method and system further comprising the step of: storing information related to the commercial having the agent which placed the winning bid in a vault (page 2 paragraph 30 and page 6 paragraph 92).

Art Unit: 3622

5. In reference to claims 4 and 14, Robinson teaches the method and system further comprising the step of: allowing the agent for at least one commercial to access information previously stored in the vault, the agent using the accessed information to determine the bid to be placed for the time slot (i.e. in determining an appropriate bid amount, the agent has access to bidding results) (page 6 paragraphs 86 and 92).

6. In reference to claims 5 and 15, Robinson teaches the method and system further comprising the steps of: maintaining a profile database to store data related to local viewer preferences (page 1 paragraphs 5, 6, and 10 and page 6 paragraphs 89-91 and 94); and allowing the agent for at least one commercial to access the local viewer preference related data in the profile database, the agent using the accessed local viewer preference related data to determine the bid to be placed for the time slot (page 1 paragraphs 5, 6, and 10 and page 6 paragraphs 89-91 and 94).

7. In reference to claims 6 and 16, Robinson teaches the method and system wherein the local viewer preference related data maintained by the maintaining step identifies units preferred by the viewer for the reward component, and the agent determines the units for the reward component of the bid to be placed based upon the viewer preference related data.

8. In reference to claim 7, Robinson teaches the method wherein the bid placed by the agent of at least one commercial is a fixed amount (page 10 paragraph 15).

Art Unit: 3622

9. In reference to claim 8, Robinson teaches the method wherein the winning bid is chosen as the bid having the highest value in units preferred by the viewer (page 1 paragraph 15).

10. In reference to claim 10, Robinson teaches the method and system wherein the providing step includes loading at least one commercial and the agent associated therewith onto the receiver prior to the time slot (page 3 paragraph 46 and page 8 paragraph 124).

11. In reference to claim 17, Robinson teaches the system further comprising: memory operatively coupled with the receiver, the source providing at least one commercial and the agent associated therewith onto the memory prior to the time slot (abstract, page 1 paragraph 9, page 8 paragraphs 124 and 125, and Figure 2).

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 9 is rejected under U.S.C. 103(a) as being unpatentable over Robinson in view of Official Notice.

In reference to claim 9, Robinson teaches the use of the Vickrey auction, as well as other auction models (p. 5-6, paragraphs 83- 84). Robinson does not specifically disclose a method, wherein the winning bid awarded by the awarding

Art Unit: 3622

step is determined by setting a desired monetary value, and then reducing the desired monetary value until the agent of at least one commercial places a bid at least equal to the desired monetary value. Official Notice is taken that it is well known within the prior art to use an auction in which an item is initially offered at a high price that is progressively lowered until a bid is made and the item sold also known as a Dutch auction as defined by Dictionary.com at <http://dictionary.reference.com/browse/dutch%20auction>. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to include in Robinson's method the use of a Dutch auction to maximize the amount of revenues that can be obtained from the advertisers.

**Point of Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namrata (Pinky) Boveja whose telephone number is 571-272-8105. The examiner can normally be reached on Mon-Fri, 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on 571-272-6724. The **Central FAX** number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public

Art Unit: 3622


PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 1866-217-9197 (toll-free).



N.B.

December 30<sup>th</sup>, 2006

  
**RETTA YEHDEGA**  
**PRIMARY EXAMINER**